

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

VIRGINIA COALITION FOR
IMMIGRANT RIGHTS; LEAGUE OF
WOMEN VOTERS OF VIRGINIA;
LEAGUE OF WOMEN VOTERS OF
VIRGINIA EDUCATION FUND; AFRICAN
COMMUNITIES TOGETHER,

Plaintiffs,

v.

SUSAN BEALS, in her official capacity as
Virginia Commissioner of Elections; JOHN
O'BANNON, in his official capacity as
Chairman of the State Board of Elections;
ROSALYN R. DANCE, in her official
capacity as Vice-Chairman of the State Board
of Elections; GEORGIA ALVIS-LONG, in
her official capacity as Secretary of the State
Board of Elections; DONALD W.
MERRICKS and MATTHEW WEINSTEIN,
in their official capacities as members of the
State Board of Elections; and JASON
MIYARES, in his official capacity as Virginia
Attorney General,

Defendants.

Case No. 1:24-cv-01778 (Lead)

Case No. 1:24-cv-01807

Judge Patricia Tolliver Giles

**PLAINTIFFS' MOTION FOR LEAVE FOR EXPERT WITNESS TO APPEAR
VIRTUALLY AT HEARING ON MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs Virginia Coalition for Immigrant Rights, League of Women Voters of Virginia, League of Women Voters of Virginia Education Fund, and African Communities Together respectfully submit this Motion for Leave for Expert Witness Dr. Michael McDonald to Appear Virtually at Hearing on Motion for Preliminary Injunction set for Thursday, October 24, 2024. Defendants oppose this motion.

Private Plaintiffs filed their complaint in this matter on October 7, 2024, and they filed the motion for preliminary injunction on October 15, 2024. Exhibit A to that motion is the Declaration of Dr. Michael P. McDonald, Private Plaintiffs' expert witness in this matter. *See* Dkt. 26-2.

Private Plaintiffs would like to call Dr. McDonald to testify at the October 24 hearing. Dr. McDonald's testimony will aid the Court in considering the merits of Plaintiffs' preliminary injunction motion. In addition to addressing certain topics outlined in his declaration, Dr. McDonald will offer opinions and analysis based on his review of the data that will be produced by Defendants no later than noon on Wednesday, October 23, 2024, pursuant to the Order entered by the Court today granting, in part, Plaintiffs' Emergency Motion for Expedited Discovery. *See* Dkt. 72.

Dr. McDonald is a Professor of Political Science at the University of Florida. Dr. McDonald is teaching classes this semester. One of those classes is scheduled for Thursday, October 24 from 9 a.m. to 10:30 a.m. Dr. McDonald's immediate supervisor, the Chair of the Political Science Department at the University of Florida, denied Dr. McDonald's request for permission to cancel class so he can attend the October 24 preliminary injunction hearing in person. As a practical matter, Dr. McDonald cannot teach his class, travel from Gainesville to Alexandria, and arrive at the courthouse until after the close of business on October 24. He is, however, willing and able to attend the hearing and testify virtually once his class is over.

There is good cause to grant this Motion. The requested relief provides the only means by which Dr. McDonald can participate in the October 24 preliminary injunction hearing. His testimony is relevant and important to Plaintiffs' claims but is not expected to last a significant amount of time. His presence virtually should have no effect on the efficiency of the proceedings and will indeed aid the Court's consideration of the preliminary injunction motion, as Dr.

McDonald will be available to provide information related to data provided by Defendants and the mechanics of Virginia's voter registration and list maintenance procedures, and, if necessary, answer questions from the Court.

This request is not made for the purpose of delay or harassment, and no party will be prejudiced by the Court granting the relief sought herein. To the contrary, if Dr. McDonald is permitted to testify virtually, he will be subject to cross examination by Defendants' counsel regarding the opinions offered at the hearing as well as those rendered in his expert declaration, an opportunity that counsel would not otherwise have.

Wherefore, Plaintiffs Virginia Coalition for Immigrant Rights, League of Women Voters of Virginia and League of Women Voters of Virginia Education Fund, and African Communities Together respectfully request that the Court grant this Motion, allow Plaintiffs' expert witness to appear virtually at the preliminary injunction hearing set for Thursday, October 24, 2024 at 10 a.m., and provide any such other and further relief as the Court deems appropriate.

Date: October 21, 2024

Respectfully submitted,

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**Motion for pro hac vice participation pending
**Admitted pro hac vice*

CERTIFICATE OF SERVICE

By my signature below, I certify that a true and correct copy of the foregoing has been served on all counsel of record on October 21, 2024 through the Electronic Case File System of the Eastern District of Virginia.

/s/ Shanna Ports

Shanna Ports

CERTIFICATE OF CONFERENCE

I certify that on October 21, 2024, Plaintiffs' counsel conferred via email with Defendants about this Motion, and Defendants opposed this motion.

/s/ Shanna Ports

Shanna Ports